

III. REMARKS

1. Applicant appreciates the Examiner's indication of allowable subject matter in claims 8 and 18. However, for the reasons stated below, Applicant submits that the claims should be allowable in their present state.
2. Claims 1-4, 6, 11-14, 16, 21 and 22 are not unpatentable over Lindoff et al. ("Lindoff") U.S. 006700882B1 under 35 U.S.C. §103(a).

Applicant's invention according to claim 1 recites in pertinent part that "a different phase of the same training sequence is used in data frames transmitted through different antennas." This is not disclosed or suggested by Lindoff. The arguments against Lindoff presented in Applicant's prior response are equally applicable here and incorporated by reference.

Furthermore, FIG. 5B of Lindoff does not disclose or suggest this feature of Applicant's invention. In FIG. 5B of Lindoff, it is the data sequence that has the offset, not the training sequence as in Applicant's invention. This is stated in Lindoff Col. 6, lines 26-34. As is also noted in FIG. 5B, different training sequences are used. The use of FIG. 9 with FIG. 5B does not disclose or suggest Applicant's invention because the training sequence does not have any offset in any of the embodiments and there is no disclosure or suggestion, or any motivation, to include an offset in the training sequence let alone using "a different phase of the same training sequence" in "data frames transmitted through different antennas."

At most Lindoff discloses a phase offset with an information sequence. Furthermore, Lindoff states that with 2 antennas, the

"phase-offsets" are "omitted". (Col. 8, lines 25-34). Thus, with respect to FIG. 9, which uses 2 antennas, there is no motivation to apply phase-offsets as is claimed by Applicant. FIG. 9 only discloses transmitting **the same data sequence and training sequence** on each antenna. (Col. 8, lines 40-45). This is simply not the same as using a different phase of the same training sequence in data frames transmitted through different antennas.

Although Col. 8, lines 50-64 suggests that different one of the techniques described can be fully or partially applied, Lindoff explicitly teaches away from using a **different phase of the same training sequence** in data frames transmitted through different antennas. Lindoff as noted previously, specifically teaches that when using 2 antennas, the "phase-offsets" are omitted. There is clear teaching away from any attempt to combine FIG. 5B with FIG. 9. Thus, there is simply no legal motivation present in Lindoff, as required under 35 U.S.C. §103(a), to modify Lindoff to achieve Applicant's invention. Any suggestion of such motivation, or modification of Lindoff, could only be made with hindsight knowledge of Applicant's invention. Thus, claims 1, 11, 21 and 22 are not unpatentable over Lindoff. Claims 2-4, 6, 12-14 and 16 should also be allowable by reason of their respective dependencies.

3. Claims 7 and 17 are not unpatentable over Lindoff in view of Guan at least in view of their respective dependencies, the reasons stated above, and the arguments raised in the prior response.

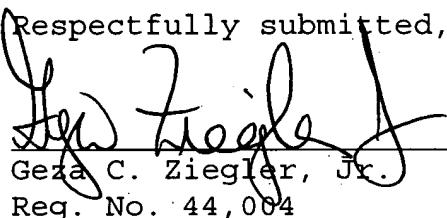
4. Claims 5, 9, 10, 15, 19 and 20 are not unpatentable over Lindoff in view of Persson at least in view of their respective

dependencies, for the reasons stated above, and the arguments raised in the prior response.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Geza C. Ziegler, Jr.

Reg. No. 44,004

15 July 2005

Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800 Ext. 134
Customer No.: 2512

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to MAIL STOP AMENDMENT, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: July 15, 2005

Signature: Meaghan Baye
Person Making Deposit